

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 129

BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS

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Sub-Chapter 1

Organizational Rule

24.129.101 BOARD ORGANIZATION (1) The board of clinical laboratory science practitioners hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-34-201, MCA; IMP, 2-4-201, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; TRANS, from Commerce, 2002 MAR p. 1485.)

Sub-Chapter 2

Procedural Rules

24.129.201 PROCEDURAL RULES (1) The board of clinical laboratory science practitioners hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-34-201, MCA; IMP, 2-4-201, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; TRANS, from Commerce, 2002 MAR p. 1485.)

24.129.202 PUBLIC PARTICIPATION RULES (1) The board of clinical laboratory science practitioners hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: 37-34-201, MCA; IMP, 2-3-103, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; TRANS, from Commerce, 2002 MAR p. 1485.)

Sub-Chapter 3 reserved

Sub-Chapter 4

General Provisions

24.129.401 FEES (1) Fees shall be paid to the board of clinical laboratory science practitioners. The board assumes no responsibility for loss in transit of such remittances. Applicants not submitting the proper fees will be notified by the department. Fees are non-refundable.

- (2) The fees are as follows:
 - (a) original application fee:
 - (i) clinical laboratory scientist \$100
 - (ii) clinical laboratory specialist 100
 - (iii) clinical laboratory technician 100
 - (b) temporary license fee 25
 - (c) active renewal fee 60
 - (d) inactive renewal fee 25
 - (e) late renewal fee (in addition to renewal fee) 50
 - (f) license by endorsement fee 100
 - (g) duplicate license fee 25
 - (h) reactivation of license fee 45

(History: 37-1-134, 37-34-201, MCA; IMP, 37-34-201, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; AMD, 1998 MAR p. 2860, Eff. 10/23/98; AMD, 1999 MAR p. 1293, Eff. 6/18/99; AMD, 2000 MAR p. 727, Eff. 3/17/00; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02; AMD, 2003 MAR p. 360, Eff. 3/14/03; AMD, 2003 MAR p. 1195, Eff. 6/13/03.)

24.129.402 SUPERVISION (1) The degree of supervision required of the clinical laboratory technician by the clinical laboratory scientist or specialist shall be determined by the supervisor after an evaluation of appropriate factors including, but not limited to the following:

- (a) the complexity of the test to be performed;
- (b) the training and capability of the technician to whom the laboratory test is delegated;
- (c) the demonstrated competence of the technician in the procedure being performed; and
- (d) the supervisor shall make written documentation after an evaluation has occurred and a copy of the evaluation shall be made available to the technician and the board's representative upon request.

(2) Depending on the evaluation made pursuant to (1), the supervisor shall make a determination of how critical it is for the supervisor to be immediately available to provide guidance and supervision to the technician. The supervisor shall make a determination based on all relevant factors whether to be accessible via onsite, telephonic, or electronic consultation. (History: 37-34-201, MCA; IMP, 37-34-201, MCA; NEW, 2002 MAR p. 1486, Eff. 5/17/02.)

Sub-Chapter 5 reserved

Sub-Chapter 6

Licensing

24.129.601 APPLICATIONS FOR LICENSE (1) An application for a license as a clinical laboratory science practitioner shall be submitted to the board office in Helena on application forms provided by the board. Completed applications shall be examined for compliance with the board's statutes and rules. The information requirements which appear on the application form generally include applicant's educational history, work experience and verification of license in other states, if applicable.

(2) Every application shall be typed or written in ink, signed and accompanied by the appropriate application fee and by such evidence, statements or documents as therein required.

(3) Upon receipt of a completed application for licensure, the board shall notify the applicant, in writing, of the results of the evaluation of his application within 30 days.

(4) Approved applications and all documents filed in support thereof shall be retained by the board with the provision that the board may permit such documents to be withdrawn upon substitution of a true copy.

(5) An incomplete application shall be returned to the applicant with a statement regarding incomplete portions. The applicant must correct any deficiencies and resubmit the application within 30 days of the date of the request for information unless extenuating circumstances are incurred by the applicant. Failure to resubmit the application shall be treated as a voluntary withdrawal of the application.

(6) The board may request such additional information or clarification of information provided in the application as it deems reasonably necessary. (History: 37-34-201, MCA; IMP, 37-34-201, 37-34-305, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; AMD, 2000 MAR p. 727, Eff. 3/17/00; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02.)

24.129.602 RENEWAL (1) If a license fee is received by the department after the renewal date, the licensee shall pay a late renewal fee. Any person failing to renew a license within 45 days of the expiration date will be considered to have forfeited his or her license. Thereafter, the individual shall be treated as a new applicant for licensure, and shall be required to comply with all statutes and rules relating to new applicants for a license.

(2) Licenses will be renewed on an annual basis beginning with the May 1, 2000 renewal. (History: 37-34-201, MCA; IMP, 37-34-201, 37-34-305, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; AMD, 1996 MAR p. 1296, Eff. 5/10/96;

AMD, 1998 MAR p. 2860, Eff. 10/23/98; AMD, 1999 MAR p. 1293, Eff. 6/18/99; TRANS, from Commerce, 2002 MAR p. 1485.)

24.129.603 MINIMUM STANDARDS FOR LICENSURE (1) In addition to the requirements of 37-34-303, MCA, applicants for licensure shall meet the following additional qualifications:

(a) Applicants for a license as a clinical laboratory scientist must have graduated from an accredited college or university with a baccalaureate degree with at least 36 semester or 54 quarter hours in the physical and biological sciences. The applicant must also have passed a generalists examination offered by a national certifying body for clinical laboratory scientists.

(b) Applicants for a license as a clinical laboratory specialist must have graduated from an accredited college or university with a baccalaureate degree with at least 36 semester or 54 quarter hours in the physical and biological sciences. The applicant must also have passed a specialist examination offered by a national certifying body for clinical laboratory specialists. The following are areas of clinical laboratory science for which the board will grant a specialist's license:

- (i) clinical chemistry;
- (ii) hematology;
- (iii) microbiology;
- (iv) cytology;
- (v) immunohematology;
- (vi) cytogenetics; and
- (vii) molecular biology.

(c) Applicants for a license as a clinical laboratory technician must have graduated with an associate degree or possess 60 semester or 90 quarter hours in a science-related discipline, or completed a military medical laboratory training program of at least 12 months in duration. The applicant must also have passed a technician examination offered by a national certifying body for clinical laboratory science technicians.

(2) Examinations administered by the following national certification agencies are approved by the board:

- (a) American association of clinical chemists (AACC);
- (b) American medical technologist (AMT);
- (c) American society of clinical pathologist (ASCP);
- (d) American society of microbiology (ASM);
- (e) international society for clinical laboratory technology (ISCLT); or
- (f) national certification agency (NCA). (History: 37-34-201, MCA; IMP, 37-34-303, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; AMD, 2000 MAR p. 727, Eff. 3/17/00; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02.)

Rules 24.129.604 through 24.129.609 reserved

24.129.610 INACTIVE STATUS (1) A licensee may place the licensee's license on inactive status by:

(a) submitting a written request for inactive status; and

(b) paying the required fee in accordance with 37-34-201, MCA, and ARM 24.129.401.

(2) A licensee on inactive status has sole responsibility for providing the board information regarding changes in residency or mailing address.

(3) With annual renewal, and payment of the required fee in accordance with ARM 24.129.401, a licensee may remain on inactive status. Failure to renew an inactive status license will result in forfeiture of the license pursuant to ARM 24.129.602.

(4) No continuing education hours are required to maintain a license on inactive status. (History: 37-1-131, 37-1-319, 37-34-201, MCA; IMP, 37-1-131, 37-1-141, 37-1-319, 37-34-201, MCA; NEW, 1998 MAR p. 2860, Eff. 10/23/98; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02.)

24.129.611 REACTIVATION OF INACTIVE LICENSE (1) For a licensee to reactivate an inactive license, the licensee must:

(a) file a reactivation of inactive status application form, as provided by the board, and pay the required fee in accordance with ARM 24.129.401; and

(b) submit proof of obtaining the required continuing education in accordance with ARM 24.129.2101, for the two-year period immediately preceding the submission of a reactivation application. (History: 37-1-131, 37-1-319, 37-34-201, MCA; IMP, 37-1-131, 37-1-319, 37-34-201, MCA; NEW, 1998 MAR p. 2860, Eff. 10/23/98; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02.)

24.129.612 TEMPORARY PRACTICE PERMITS (1) An applicant for a temporary practice permit must:

(a) make application to the board on approved application forms;

(b) provide original college transcripts;

(c) pay the appropriate fee; and

(d) be approved to take the first available examination.

(2) A temporary practice permit will not be issued for more than 45 days after the applicant has taken the examination. Only one temporary permit will be issued to an individual.

(3) If the applicant does not register for the first available examination, for any reason, or fails the examination, the temporary practice permit will be void and must be returned to the board office immediately. (History: 37-1-305, MCA; IMP, 37-1-305, 37-34-201, MCA; NEW, 2001 MAR p. 166, Eff. 1/26/01; TRANS, from Commerce, 2002 MAR p. 1485.)

Sub-Chapters 7 through 20 reserved

Sub-Chapter 21

Continuing Education

24.129.2101 CONTINUING EDUCATION REQUIREMENTS (1)

All applicants for renewal of an active status license shall have completed continuing education as provided in this rule as a condition to establish eligibility for renewal. The continuing education requirement will not apply until the licensee's first full year of licensure.

(a) Fourteen hours of continuing education will be required annually for renewal of a license.

(b) Up to seven hours earned in excess of the 14 hours required in a licensing year may be carried over into the succeeding year.

(c) All continuing education credits must be germane to the profession and must contribute to the professional competence of a clinical laboratory science practitioner.

(2) Continuing education may be obtained in any of the following settings, and subject to any listed conditions:

(a) Any continuing education offered or approved by the following:

- (i) American society of clinical pathologists (ASCP);
- (ii) national certifying agency (NCA);
- (iii) American medical technologists (AMT);
- (iv) American society of clinical laboratory science (ASCLS);
- (v) national laboratory training network (NLTN);
- (vi) laboratory education for North Dakota (LEND);
- (vii) Colorado association for continuing medical laboratory education (CACMLE);
- (viii) American association of blood banks (AABB);
- (ix) American association of clinical chemists (AACC);
- (x) American society for microbiologists (ASM);
- (xi) association of cytogenetic technologists (ACT);
- (xii) international society for clinical laboratory technology (ISCLT);
- (xiii) American association of bioanalysts (AAB);
- (xiv) Mayo medical laboratories;
- (xv) professional laboratory societies in any of the 50 states;
- (xvi) clinical laboratory management association (CLMA); or
- (xvii) other providers as listed in the office of the board or on the web site.

(b) College course work, approved by the board, which is germane to the profession and contributes directly to the professional competence of a clinical laboratory science practitioner, and subject to the following limitations:

- (i) the licensee must pass the course;

(ii) one semester credit shall equal 15 hours of continuing education;

(iii) one quarter credit shall equal 10 hours of continuing education.

(c) Continuing education not sponsored by organizations listed in (2)(a) shall be submitted to the Montana board of clinical laboratory science practitioners for its consideration for approval.

(3) Continuing education credits can be earned by teaching courses that are germane to the profession. Credit units may be applied in this category based on a report by the licensee. For a one-hour presentation, the presenter will be awarded two hours of continuing education. The following limitations shall apply to requests for credit under this section:

(a) documentation must be submitted showing the licensee as the instructor of the course,

(b) the course must be addressed to health professionals in order to qualify for credit,

(c) instruction of any course may be submitted for continuing education only once,

(d) individuals employed by universities and colleges may not claim credit units in this section for conducting courses that are a part of the regular course offering of those institutions, even if those courses are offered in the evening or summer. (History: 37-34-201, MCA; IMP, 37-34-201, MCA; NEW, 1994 MAR p. 1671, Eff. 6/24/94; AMD, 1996 MAR p. 1296, Eff. 5/10/96; AMD, 2000 MAR p. 1034, Eff. 3/17/00; AMD, 2001 MAR p. 2416, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02.)

Sub-Chapter 22 reserved

Sub-Chapter 23

Unprofessional Conduct

24.129.2301 UNPROFESSIONAL CONDUCT For the purpose of implementing the provisions of 37-1-307, MCA, and in addition to the provisions of 37-1-316, MCA, the board defines "unprofessional conduct" as follows:

(1) failure to report to the board facts known to the licensed individual regarding the unlicensed or otherwise illegal practice of clinical laboratory science in the state of Montana;

(2) practice beyond the scope of practice encompassed by the license;

(3) failure by a licensed supervisor of a clinical laboratory technician to be accessible at all times that testing is being performed by the technician in order to provide on-site, telephonic or electronic consultation;

(4) assault or abuse of a patient;

(5) inaccurately recording, falsifying or otherwise altering any laboratory test. (History: 37-1-319, MCA;

IMP, 37-1-307, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; AMD, 1996 MAR p. 1296, Eff. 5/10/96; TRANS, from Commerce, 2002 MAR p. 1485.)

24.129.2302 NOTIFICATION OF DENIAL OR DISCIPLINARY ACTION (1) The board's screening panel will give any applicant or licensee whose application for licensure is denied, or against whom disciplinary action is proposed, written notice pursuant to 37-1-307, MCA. Notice will be given of:

(a) the reason(s) for the proposed denial or disciplinary action; and

(b) the individual's right to a hearing under the provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA. (History: 37-1-131, 37-34-201, MCA; IMP, 37-1-131, 37-1-307, 37-1-309, 37-34-201, MCA; NEW, 2002 MAR p. 1486, Eff. 5/17/02.)